

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION**

**IN RE:**

**CASE NO.:**

**HEAD GRADING CO., INC.**  
**Debtor**

**05-02729-8-JRL**  
**CHAPTER 7**

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**STEPHEN L. BEAMAN, TRUSTEE**     )  
**Plaintiff**                                 )  
  )  
**vs.**   )  
  )  
**RUBY LEE HEAD**                                 )  
**Defendant.**                                     )

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**ADVERSARY PROCEEDING**  
**NO. 05-00316-8-JRL**

**RESPONSE TO MOTION FOR SUMMARY JUDGMENT**

NOW COMES the Defendant, by and through undersigned counsel, and responds to the Motion for Summary Judgment filed by the Plaintiff as follows:

1. The allegations set forth in the Motion are true and accurate. This matter is ripe for hearing for summary judgment.
2. The Defendant reserves the right to submit affidavits prior to the hearing in opposition to the Motion for Summary Judgment.
3. The parties are engaged in settlement negotiations at this time, and this matter may be resolved prior to any hearing on the Motion for Summary Judgment.
4. To the extent necessary, the Defendant moves for summary judgment as well pursuant to Rule 7056 of the Bankruptcy Rules.

WHEREFORE, based on the foregoing, the Defendant requests that the Court deny the Plaintiff's Motion for Summary Judgment, grant summary judgment in favor of the Defendant, and that a hearing be held on this matter.

Respectfully submitted, this the 14<sup>th</sup> day of July, 2006.

/S/ John G. Rhyne  
John G. Rhyne  
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CERTIFICATE OF SERVICE

I, Maureen Radford, of the law firm of Hinson & Rhyne, P.A., of P. O. Box 7479, Wilson, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age:

That on July 14, 2006, I mailed a copy of the foregoing RESPONSE TO MOTION FOR SUMMARY JUDGMENT, by depositing copies thereof in the United States mail, first class mail, postage prepaid, in an envelope addressed as shown below.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: July 14, 2006.

/s/ Maureen Radford

Maureen Radford  
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